

GOVERNMENT OF TELANGANA
ABSTRACT

Public Servants – PR&RD Department – Allegations of irregularities in execution of CC Road works in Nizamabad Municipal Corporation against Sri Kanaka Ratnam, the then Superintending Engineer, Municipal Corporation, Nizamabad of PRED – Disciplinary proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 139.

Dated: 04.03.2015

ORDER:

It is proposed to hold an enquiry against Sri Kanaka Ratnam, the then Superintending Engineer, Municipal Corporation, Nizamabad of PRED, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-II & III).

3. Sri Kanaka Ratnam, the then Superintending Engineer, Municipal Corporation, Nizamabad of PRED, is directed to submit within ten (10) days of the receipt of this order, a written statement of his defence.

4. Sri Kanaka Ratnam, the then Superintending Engineer, Municipal Corporation, Nizamabad of PRED, is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Kanaka Ratnam, the then Superintending Engineer, Municipal Corporation, Nizamabad of PRED, is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Sri Kanaka Ratnam, the then Superintending Engineer, Municipal Corporation, Nizamabad of PRED, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri Kanaka Ratnam, the then Superintending Engineer, Municipal Corporation, Nizamabad of PRED, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Kanaka Ratnam, the then Superintending Engineer, Municipal Corporation,
Nizamabad of PRED through the Engineer-in-Chief, Panchayat Raj,
Hyderabad.
The Engineer-in-Chief, Panchayat Raj, Hyderabad.
(in duplicate with a request to serve and return the dated acknowledgement copy)
Copy to:
The General Administration (V&E) Department.
(w.r.t. Vigilance Report No.29 (395/V&E/E1/2013), dt. 28.02.2014)
The PR&RD (PR.I) Dept.
The MA&UD (Vig.II) Dept.
SF/SC

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE - I

(Annexure to G.O.Rt.No.139 , PR&RD (Vig.I) Dept., dt.04.03.2015)

STATEMENT OF ARTICLE OF CHARGES AGAINST SRI KANAKA RATNAM, THE THEN SUPERINTENDING ENGINEER, MUNICIPAL CORPORATION, NIZAMABAD OF PRED.

CHARGE:

Sri Kanaka Ratnam, while working as Superintending Engineer in Nizamabad Municipal Corporation, has committed the following irregularities:-

1. Non appraisal of the correct rule position which led to the competent authority to take improper decision against the rules in respect of issuing cancellations orders for the advantageous tenders received.
2. Followed dubious procedure of entrustment of works through lots and consent letters, in violations of the G.O.Ms.No.94, I&CAD, dt.01.7.2003.

BASIS:

The G.A.(V&E) Department in their Vigilance Report No.29 (395/V&E/E1/2013), dt.28.02.2014 have reported that the V&E Department officials have conducted enquiry, on the allegations of irregularities in substandard execution of the following CC road works in Nizamabad Municipal Corporation, MA&UD Dept.

1. CC Road from near Hanuman temple to Baba Rice Mill in Division No.35, Nizamabad.
2. CC Road from near Munnurukapu Sangham, Pragathi Nagar to Vinayaka well road in division No.6, Nizamabad.

As per the Vigilance Report, the following findings were found on the allegations of irregularities in execution of above two substandard works.

1. Work No.1: CC Road from near Hanuman Temple to Baba Rice Mill in Division No.35, Nizamabad:

1. As per the letter of acceptance, the work is supposed to be completed by 06.12.2010, whereas, the work was completed on 15.06.2012. The agreement was concluded after a lapse of nearly 2 years from the date of letter of acceptance. The work is found completed before the date of conclusion of the agreement which is incomprehensible and is in violation of the codal rules. This proves that the work was executed without agreement.
2. The observed physical measurements in respect of lengths and breadths of the C.C. road executed are fairly tallying with the specified and recorded measurements.
3. The average observed deficiency in thickness of CC pavement is 52.63 mm against the specified 150 mm thick. The average percentage of deficiency in respect of CC thickness is 35.08%. As per the Circular Memo No.12582/Vig.I/1/2005-01, dt. 17.10.2006, of R&B Dept., if the average deficiency is more than 20%, the AEE, DEE & EE in-charge of construction are held responsible. As per the MORTH Section 903.5, the maximum allowable less thickness is 25mm and if the deficiency is more than 25mm, such stretch shall be removed and reconstructed at the cost of contractor. As such the work is liable for rejection and to be relayed at the cost of the contractor.

Hence, the allegation of execution of substandard quality is substantiated.

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2. **Work No: CC Road from Munnuru Kapu Sangam, Pragathi Nagar to Vinayak nagar Road in Division No.6, Nizamabad:**

1. In accordance to the rule position stipulated in the G.O.Ms.No.17, I&CAD (PW-COD) Dept.,dt. 06.02.2004, it was clearly mentioned that tender less by more than 25% should not be rejected and bank guarantee or demand draft for the difference between the tender amount and 75% of the estimate contract value should be taken. Instead of appraising the actual rule position, the then concerned officials of Nizamabad, Municipal Corporation recommended cancellation of above tender to the competent authority.
2. Apart from this work, the then concerned officials of Nizamabad, Municipal Corporation have recommended to the competent authority for cancellation of other advantageous tenders received in respect of work figured at Sl.No.1, 4, 6, 12, 15, 16, 17, 19, 22, 24, 28, 31, 32, 35 & 37 in the note file amounting to Rs.1.57 crores.
3. As per the G.O.Ms.No.94, I&CAD (PW-COD) Dept.,dt. 01.07.2003, if the tenders received at same percentage, the tender accepting authority has to evaluate the tender based on the bid capacity and the tender should be awarded to those who are having highest bid capacity. Instead of acting as per the rules, taking the consent from other bidders, conducting a lucky draw among the bidders and awarding the work to Sri B. Aravind is highly irregular and questionable. Ultimately the work was awarded to the tenderer Sri B. Aravind Kumar for Rs.11,13,210.75 at 25% less TP over ECV.
4. The physical measurements are observed to be in conformity with the recorded measurements but the surface of the road is reported to be badly damaged and pot holes are formed in C.C. road within a short period even before first rainy season. The damage is progressive and heavy cracks are being developed in the surface. The concrete mix adopted for laying the CC Road shall satisfy the specified strength criteria as well as the durability criteria. From the inspection of the road condition, it can be concluded that the CC road laid cannot be considered to be durable. The IS: 456 specifies the importance to the durability factor. Hence, the entire road may be re-laid at the cost of contractor in case of it being not brought to a durable, traffic worthy and defect free surface.
5. The average deficiency in thickness of CC pavement is 6.67%.

Hence, the allegation of execution of substandard quality of work is substantiated.

From this, it is evident that Sri Kanaka Ratnam, while working as Superintending Engineer in Nizamabad Municipal Corporation, has committed the irregularities during execution of above CC road works from Hanuman Temple to Baba Rice Mill in Division No.35 and from Munnurukapu Sangam, Pragathi Nagar to Vinayaka Well road in Division No.6 and thus he has exhibited lack of integrity, devotion to duty and conduct unbecoming of a member of service and thereby violated Rule 3 (1) and (2) of A.P.Civil Services (Conduct) Rules, 1964.

Hence, the charge.

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE -II

(Annexure to G.O.Rt.No.139 , PR&RD (Vig.I) Dept., dt.04.03.2015)

LIST OF THE DOCUMENTS BY WHICH THE ARTICLE OF CHARGES ARE PROPOSED TO BE SUSTAINED AGAINST SRI KANAKA RATNAM, THE THEN SUPERINTENDING ENGINEER, MUNICIPAL CORPORATION, NIZAMABAD OF PRED.

Vigilance Report No.29 (395/V&E/E1/2013), dt.28.02.2014 of G.A.(V&E) Dept.

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE – III

(Annexure to G.O.Rt.No.139 , PR&RD (Vig.I) Dept., dt.04.03.2015)

LIST OF THE WITNESSES BY WHOM THE ARTICLE OF CHARGES ARE PROPOSED TO BE SUSTAINED AGAINST SRI KANAKA RATNAM, THE THEN SUPERINTENDING ENGINEER, MUNICIPAL CORPORATION NIZAMABAD OF PRED.

-Nil-

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER